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June 12, 2020

VIA ECF

Hon. Ronnie Abrams
United States District Court Judge
United States District Court
for the Southern District of New York
United States Federal Courthouse
40 Foley Square
New York, NY 10007

**Re: Marcos Calcano v. lululemon USA Inc., Case No. 1:19-cv-10430
Joint Request to Continue Stay**

Dear Judge Abrams:

We represent defendant lululemon usa inc. ("lululemon") in the above-referenced action. Pursuant to the Court's Order of March 2, 2020 (Dkt. No. 22), we write jointly with counsel for plaintiff Marcos Calcano ("Plaintiff") to update the Court on the status of this action.

On February 19, 2020, lululemon moved to dismiss Plaintiff's Complaint in its entirety pursuant to FRCP Rules 12(b)(6) and 12(b)(1) based on Plaintiff's failure to state a complaint upon which relief can be granted and, even if such claims were cognizable, due to Plaintiff's lack of standing to assert the claims. lululemon filed with the Court its: (1) Motion to Dismiss (Dkt. No. 15); (2) Memorandum of Law ISO of Motion to Dismiss (Dkt. No. 16); (3) Declaration of George Camerlino ISO of Motion to Dismiss ((Dkt. No. 17); Letter Motion for Oral Argument (Dkt. No. 18); and Corporate Disclosure Statement (*re-filed* February 20, 2020; Dkt. Nos. 14 and 19).

On February 28, 2020, the parties jointly agreed and requested that this Court adjourn all further actions in this matter until June 19, 2020, to permit the resolution of motions to dismiss in similar matters currently pending before the Court and elsewhere in this district. Per the Court's Order of March 2, 2020, the Court adjourned all further actions and scheduled an Initial Conference in this matter for June 19, 2020.

On June 10, 2020, counsel for the parties met and conferred. Pursuant to Rule 1.D of your Honor's Individual Rules and Practices in Civil Cases, because the motions to dismiss in similar matters in this Court have not been decided, the parties jointly agree and respectfully request that this Court continue to adjourn all further actions and the Initial Conference in this matter currently

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scheduled for June 19, 2020, until at least 30 days following the entry of this Court's Order on at least one of the motions to dismiss, in one of the similar matters, currently pending before this Court, at which point the parties agree to meet and confer regarding how to proceed.

Counsel for the parties are available at the Court's convenience if Your Honor would like to discuss the status of this action any further. We thank the Court for this consideration in this matter.

Respectfully submitted,

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Application granted. This action is stayed pending the resolution of similar motions to dismiss currently pending before this Court. No later than 30 days after the entry of this Court's decision on at least one of those pending motions to dismiss, the parties shall file a joint letter updating the Court on the status of this case and how the parties would like to proceed. The initial status conference scheduled for June 19, 2020 is adjourned sine die.

SO ORDERED.



Ronnie Abrams, U.S.D.J.

June 15, 2020